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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,740	12/28/2001	James A. Campbell	P05334US0	5041

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MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER

HARVEY, JAMES R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,740

Applicant(s)

CAMPBELL, JAMES A.

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

- The Information Disclosure statement(s) and related documents that were filed on 12-28-01 have been considered.

Drawings

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.
 - The proximity sensor (Claim 3, line 2) is not shown.
 - The optical sensor (Claim 5, line 2) is not shown.
 - The above feature(s) must be shown or the feature canceled from the claim. No new matter should be entered.
- **Please note that drawing corrections will no longer be held in abeyance. If drawing correction are not submitted with the response to this office action, the response will be consider a Non-Responsive Reply and the following paragraph will apply:**

The reply filed on (...) is not fully responsive to the prior Office Action because: (...) Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Election/Restrictions

- Applicant's election with traverse of claims 1-7 in Paper No. 4 is acknowledged. The traversal is on the ground(s) that there has been no showing that the search and examination of the entire application cannot be made without serious burden. This argument is not found persuasive because the showing of the serious burden is evidenced by the different inventions and there different classification within the United States Patent and Trademark Office's classification system. It is clearly a burden for an examiner that is not trained or experienced in a particular class to complete a quality examination because the examiner lacks a knowledge of the prior art and the distinct elements associated with the prior art.

In order for applicant to receive a quality examination for invention II (claims 8 and 9), an examiner trained and skilled in the prior art of invention II needs to evaluate the meets and bounds of claims in view of the known prior art of that particular class. Simply lumping all the complexities associated with the different inventions into one examination (knowing that the United States Classification system separates them into two distinct classes) fails to provide the quality that the public and applicant expect and deserve from the United States Patent and Trademark Office.

- The requirement is still deemed proper and is therefore made FINAL.

Drawings

- Figure 1 should be labeled "Prior Art" because page 4 of the specification discloses that it is a typical outlet and conventional plug.
- The drawings are objected to because the cross-hatching is improper. See MPEP 608.02.

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For example, portions of the drawings in section and made of an insulated material must be crosshatched with alternating thick and thin lines, not with just thin lines.

- **Please note that drawing corrections will no longer be held in abeyance. If drawing correction are not submitted with the response to this office action, the response will be consider a Non-Responsive Reply and the following paragraph will apply:**

The reply filed on (...) is not fully responsive to the prior Office Action because: (...) Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claim(s) 1,, 2, and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sellati et al. (4995017).

-- In reference to claim 1, shows

a socket 2 for receiving a prong on an electrical plug; and

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a switch (lower 9", figure 7) movable between on and off positions by insertion or removal of the prong in the socket 2.

-- In reference to claim 2, shows the socket 2 includes two or more contact slots and

the switch (lower 9", figure 7) is moveable to an on position only upon insertion of a prong into each of the contact slots.

-- In reference to claim 4, shows the switch (lower 9", figure 7) is a mechanical switch (lower 9", figure 7).

-- In reference to claim 6, Sellati shows (figure 7)

a socket 2 having a first contact slot (upper 3) and a second contact slot (lower 3);

a first switch (lower 9", figure 7) movable between an on and off position upon insertion or removal of any object in the first contact slot (upper 3);

a second switch (upper 9", figure 7) being movable between an on and off position upon insertion or removal of any object in the second contact slot (lower 3); and wherein

an electrical connection is established only if the first switch (lower 9", figure 7) and the second switch (upper 9", figure 7) are both in the on position.

-- In reference to claim 7, Sellati shows a source of electrical energy electrically connected to the first switch (lower 9", figure 7) and the second switch (upper 9", figure 7) that can be used for providing approximately 120V Ac at approximately 60 hertz.

** Claim(s) 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sneddon (5048914).

-- In reference to claim 1, Sneddon shows (cover sheet)

a socket 11 for receiving a prong 12 on an electrical plug 10; and

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a switch 20 (column 3, lines 40-45) movable between on and off positions by insertion or removal of the prong in the socket 11.

-- In reference to claim 3, Sneddon shows that the switch is a proximity sensor (column 5, lines 2-5).

-- In reference to claim 5, Sneddon shows that the switch is an optical sensor (abstract, line 7-9).

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**** Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellati in view of Applicant's Admitted Prior Art.**

-- In reference to claims 3 and 5, Sellati shows substantially the invention as claimed. However, Sellati does not show the switch is a proximity sensor or that the switch is an optical sensor.

Applicant's Admitted Prior Art teaches (page 6, lines 24 and 25) that proximity sensor and optical switches and the operability and installation of the switches is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mechanical switch of Sellati with either a proximity sensor or an optical sensor because the proximity and optical switches are eliminate the probability of shock resulting from failure of Sellati cantilevered arms that are shown in figure 7 of Sellati.

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Conclusion

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cohn et al., Bass, Sr. et al., Skarie et al., and Neuenschwander show the state of the art with respect to applicant's claimed invention.


- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7724 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0952.

James R. Harvey, Examiner

jrh
December 12, 2002


THO D. TA
PRIMARY EXAMINER